

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

PHILLIPS 66

and

Cases 31-CA-085243  
31-CA-096709

UNITED STEEL, PAPER AND FORESTRY,  
RUBBER, MANUFACTURING, ENERGY,  
ALLIED INDUSTRIAL & SERVICE WORKERS  
INTERNATIONAL UNION, AFL-CIO/CLC

**ORDER REMANDING<sup>1</sup>**

On November 20, 2018, the National Labor Relations Board issued a Notice to Show Cause why the complaint allegations involving the maintenance of an allegedly unlawful work rule or policy should not be severed and remanded for further consideration under *The Boeing Co.*, 365 NLRB No. 154 (2017). The Charging Party filed a response stating that it does not oppose remand, and the Respondent filed a response arguing that remand is unnecessary.<sup>2</sup>

Having duly considered the matter, including the arguments raised by the Respondent, we find that it would effectuate the purposes of the National Labor Relations Act to sever and remand the complaint allegations involving the maintenance of the allegedly unlawful work rule or policy for further consideration in light of *Boeing*.

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> The Respondent opposes remand because it believes the record is sufficient to find the challenged work rule lawful under *Boeing*. It has not provided any compelling reason why remand is unnecessary or inappropriate here. We find that the most prudent course of action is to remand the allegations to the judge to decide in the first instance the lawfulness of the challenged work rule.

IT IS THEREFORE ORDERED that the complaint allegations involving the maintenance of the allegedly unlawful work rule or policy are severed and remanded to Administrative Law Judge Lisa D. Thompson for the purpose of reopening the record, if necessary, and the preparation of a supplemental decision addressing the complaint allegations affected by *Boeing* and setting forth credibility resolutions, findings of fact, conclusions of law, and a recommended Order. Copies of the supplemental decision shall be served on all parties, after which the provisions of Section 102.46 of the Board's Rules and Regulations shall be applicable.

Dated, Washington, D.C., April 11, 2019

By direction of the Board:

Roxanne L. Rothschild  
Executive Secretary